

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG DIVISION

U.S. DISTRICT COURT
FILED AT WHEELING, WV
DEC 14 2007
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

ZURICH AMERICAN INSURANCE
COMPANY, a New York corporation,

Plaintiff,

v.

Civil Action No.: 3:06-CV-70

BEVERLY HILDRETH, Administratrix
Of the Estate of Jody Lee Lucas and
JANE DOE, Administratrix of the Estate of Lyle
J. Knipple,

Defendants.

AGREED ORDER EXTENDING DISPOSITIVE MOTION DEADLINE

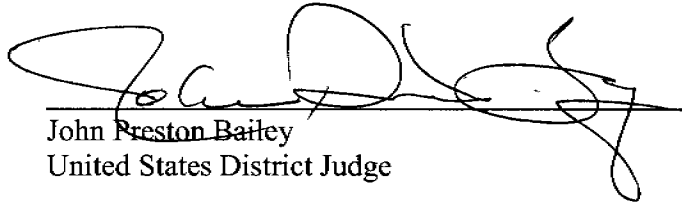
COME NOW, all of the parties hereto, by their respective counsel, upon their joint motion to extend the deadline for Dispositive Motions.

The Amended Scheduling Order entered herein on June 14, 2007 (Doc. No. 58) provides that Dispositive Motions shall be filed on or before December 17, 2007. The above captioned matter is a declaratory judgment action on a commercial automobile policy issued by the Plaintiff, Zurich American Insurance Company. The Defendant, Beverly Hildreth, Administratrix of the Estate of Jody Lee Lucas, has already filed a Motion for Summary Judgment as to the liability coverage of that policy, which motion has been denied. There is now pending a motion by Zurich American for summary judgment on the liability coverage of that policy. The parties agree that in the event that Zurich's pending motion would be granted there would remain the issue of potential UM Coverage under the Zurich policy.

Despite their disagreements about the existence of coverage under either the liability or the UM provisions of the policy, the parties are in agreement that judicial economy favors obtaining a ruling on the issue of the liability coverage before litigating the issue of the UM coverage. Accordingly, by agreement of the parties, and by Order of this Court, it is hereby ORDERED and ADJUDGED that the parties shall have 30 days to file further Dispositive Motions (related to the UM Coverage) from the day the Court rules on Zurich's pending Motion for Partial Summary Judgment.

The Clerk is directed to transmit copies of this order to all counsel of record herein.

Dated this 13th day of December, 2007.



John Preston Bailey
United States District Judge

Prepared by:

/s/ Mark Jenkinson
Mark Jenkinson – W.Va. Bar No. 5215
Ronald M. Harman - W.Va. Bar No. 6040
Burke, Schultz, Harman & Jenkinson
Post Office Box 1938
Martinsburg, WV 25402
(304) 263-0900

Seen and Agreed:

/s/ Jonathan Anderson
Jonathan Anderson, Esquire
Jackson Kelly PLLC
Post Office Box 553
Charleston, WV 25322

/s/ Michael Lorensen
Michael Lorensen, Esquire
Bowles Rice McDavid Graff & Love
Post Office Drawer 1419
Martinsburg, WV 25402